IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 4501 of 1985

For Approval and Signature:

Hon'ble CHIEF JUSTICE MR DM DHARMADHIKARI
and
Hon'ble MR.JUSTICE RAVI R.TRIPATHI

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

SAURASHTRA CHEMICALS

Versus

STATE OF GUJARAT

Appearance:

MR KS NANAVATI for Petitioner No. 1-2

Mr.N.D. Gohil, ASSTT GOVT. PLEADER for Respondent No. 1-2

CORAM : CHIEF JUSTICE MR DM DHARMADHIKARI
and
MR.JUSTICE RAVI R.TRIPATHI

Date of decision: 30/08/2001

ORAL JUDGEMENT (Per : MR.JUSTICE RAVI R.TRIPATHI)

The present petition is filed by Saurashtra Chemicals and another challenging vires of sections 3 and

4(1)(a)(iv) of the Bombay Relief Undertakings (Special Provisions) Act, 1958. The notification issued under the said provisions was also challenged, copies of which were produced at Annexures 'A' and 'B'.

2. When the matter was called out, learned advocate for the petitioners submitted that question of validity of the aforesaid provisions is concluded. This Court in the case of D.S. Patel & Co. v. The Gujarat State Textile C orporation Limited and others, reported in 1972 GLR 33 has upheld the validity of these provisions. In view of that the question of vires does not survive.

3. Learned advocate for the petitioners submitted that as per the information available to him, respondent no.2, Messrs Vallabh Glass Works Limited was declared a 'sick unit' and later on it is wound up. Therefore, keeping the petitioners' right open to recover the amount in question in accordance with law by remedy available to them, the petitioners may be permitted to withdraw this petition.

4. Permission is granted. The petition is disposed of as withdrawn. Rule is discharged. No order as to costs.

(D.M. Dharmadhikari, C.J.)

(Ravi R. Tripathi, J.)

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